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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. 2:04-cr-00389 MCE
12 Plaintiff,) PRELIMINARY ORDER OF
13 v.) FORFEITURE AND PUBLICATION
14 ADAN AYALA, JR.,) THEREOF RE PERSONAL PROPERTY
15 Defendant.) OF ADAN AYALA, JR.
16

17 Based upon the plea agreement entered into between plaintiff
18 United States of America and defendant Adan Ayala, Jr., it is
19 hereby

20 ORDERED, ADJUDGED AND DECREED as follows:

21 1. Pursuant to 21 U.S.C. § 853, defendant Adan Ayala's
22 interest in the following property shall be condemned and
23 forfeited to the United States of America, to be disposed of
24 according to law:

25 a. 1996 GMC Yukon, VIN: 3GKEC18R9TG520014,
26 License Number 3TJZ621.

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1 2. The above-listed property was used or intended to be
2 used, in any manner or part, to commit and to facilitate the
3 commission of a violation of 21 U.S.C. §§ 846 and 841(a)(1).

4 3. Pursuant to Rule 32.2(b), the Attorney General (or a
5 designee) shall be authorized to seize the above-listed property.
6 The aforementioned property shall be seized and held by the
7 United States Marshals Service, in its secure custody and
8 control.

9 4. a. Pursuant to 21 U.S.C. § 853(n) and Local Rule
10 83-171, the United States forthwith shall publish at least once
11 for three successive weeks in the Appeal Democrat (Yuba/Sutter
12 County), a newspaper of general circulation located in the county
13 in which the above-listed property was seized, notice of this
14 Order, notice of the Attorney General's intent to dispose of the
15 property in such manner as the Attorney General may direct, and
16 notice that any person, other than the defendant, having or
17 claiming a legal interest in the above-listed forfeited property
18 must file a petition with the Court within thirty (30) days of
19 the final publication of the notice or of receipt of actual
20 notice, whichever is earlier.

21 b. This notice shall state that the petition shall be
22 for a hearing to adjudicate the validity of the petitioner's
23 alleged interest in the property, shall be signed by the
24 petitioner under penalty of perjury, and shall set forth the
25 nature and extent of the petitioner's right, title or interest in
26 the forfeited property and any additional facts supporting the
27 petitioner's claim and the relief sought.

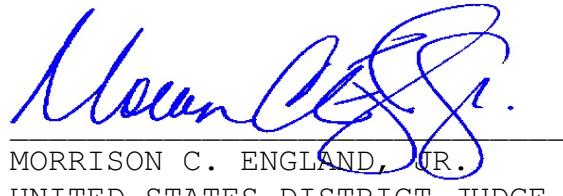
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1 c. The United States may also, to the extent
2 practicable, provide direct written notice to any person known to
3 have alleged an interest in the property that is the subject of
4 the Order of Forfeiture, as a substitute for published notice as
5 to those persons so notified.

6 5. If a petition is timely filed, upon adjudication of all
7 third-party interests, if any, this Court will enter a Final
8 Order of Forfeiture pursuant to 21 U.S.C. § 853 in which all
9 interests will be addressed.

10 IT IS SO ORDERED.

11 Dated: September 7, 2007



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE